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11 File No. 52.634

12 Attorneys for Plaintiffs
13 NEW CONTENDERS INC.; DILLON PRODUCTIONS INC.

14 UNITED STATES DISTRICT COURT
15
16 NORTHERN DISTRICT OF CALIFORNIA
17
18 SAN JOSE DIVISION

12	NEW CONTENDERS INC.;)	CASE NO. C08-00017-RMW (PVT)
13	DILLON PRODUCTIONS INC.,)	
14	Plaintiff.)	MEMORANDUM OF POINTS AND
15	vs.)	AUTHORITIES IN SUPPORT OF
16)	APPLICATION FOR ENTRY OF DEFAULT
17	MIGUEL SANDOBAL doing business as)		
18	Fiesta Night Club; ROSALIA)		
19	HERRARA FRIEJE doing business as El)		
20	Tropical Latino Restaurant.)		
21	Defendants.)		
22	_____)		

23 **I. INTRODUCTION.**

24 Plaintiffs bring this action to renew the judgment in the above-entitled action. by filing an
25 independent action in this court pursuant to FRCP 69(a) and C.C.P. § 337.5(3). In the underlying
26 action, the Default Judgment was entered on 10/15/97, and this action was filed on 1/02/08 herein.
27 making the same timely hereunder. Plaintiff effectuated service of process upon the Defendant.
28 and a copy of the Proof of Service has been filed with the court as Docket No. 6.

II. RELIEF SOUGHT.

Plaintiffs seek relief by the Renewal of the Judgment in the above-entitled action entitled
NEW CONTENDERS INC.; DILLON PRODUCTIONS INC. vs. MIGUEL SANDOBAL doing

1 *business as Fiesta Night Club; ROSALIA HERRARA FRIEJE doing business as El Tropical Latino*
2 *Restaurant. Case No. C 96-20788-RMW (PVT).*

3 Defendant ROSALIA HERRARA FRIEJE doing business as El Tropical Latino
4 Restaurant, has failed to respond, and no pleading thereon has been filed therein. Plaintiff therefore
5 seeks the entry of a default for the failure to respond to this action.

6 No Defendant as set forth in this action is in the military service so as to be entitled to the
7 benefits of the Servicemen's Civil Relief Act 50 U.S.C. APP § 501 et seq.

8 A copy of the Application. Memorandum of Points and Authorities, and Entry of Default.
9 is to be mailed to the Defendant ROSALIA HERRARA FRIEJE doing business as El Tropical
10 Latino Restaurant, at the last known address as set forth below:

11 ROSALIA HERRARA FRIEJE
12 doing business as El Tropical Latino Restaurant
13 1312 Hume Drive
14 Sanger, CA 93657

15 DATED: July 21, 2008

COOK COLLECTION ATTORNEYS

16 By: /s/ David J. Cook
17 DAVID J. COOK, ESQ. (SB# 060859)
18 Attorneys for Plaintiffs
19 NEW CONTENDERS INC.; DILLON
20 PRODUCTIONS INC.

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PROOF OF SERVICE

ROSALIA HERRARA FRIEJE
doing business as El Tropical Latino Restaurant
1312 Hume Drive
Sanger, CA 93657

I declare:

I am employed in the County of San Francisco, California. I am over the age of eighteen (18) years and not a party to the within cause. My business address is 165 Fell Street, San Francisco, CA 94102. On the date set forth below, I served the attached:

APPLICATION FOR ENTRY OF DEFAULT

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF APPLICATION
FOR ENTRY OF DEFAULT

ENTRY OF DEFAULT

on the above-named person(s) by:

XXX (BY MAIL) Placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California, addressed to the person(s) served above.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 21, 2008 at San Francisco, California.

/s/ Karene Jen
KARENE JEN